

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE) C-11-02509 LHK
ANTITRUST LITIGATION,)
) SAN JOSE, CALIFORNIA
)
) MARCH 27, 2014
THIS DOCUMENT RELATES TO:)
ALL ACTIONS) PAGES 1-61
)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFFS: JOSEPH SAVERI LAW FIRM
BY: JOSEPH SAVERI
255 CALIFORNIA STREET, SUITE 450
SAN FRANCISCO, CALIFORNIA 94111

LIEFF, CABRASER,
HEIMANN & BERNSTEIN
BY: KELLY M. DERMODY
BRENDAN P. GLACKIN
DEAN M. HARVEY
LISA CISNEROS
275 BATTERY STREET, 30TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

APPEARANCES CONTINUED ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

1 MR. VAN NEST: WELL, CERTAINLY BRIEFING IT FOR THE
2 PRETRIAL CONFERENCE MAKES A LOT OF SENSE AND WE'LL DO THAT AND
3 WE'LL MEET AND CONFER ON HOW WE DO IT. BUT THAT MAKES A LOT OF
4 SENSE.

5 AND, YEAH, WHATEVER YOUR HONOR -- WE KNOW YOU'RE BUSY, SO
6 WHATEVER YOU CAN DO. I AGREE WITH MR. SAVERI THAT HAVING
7 CLARITY ON THAT IS IMPORTANT.

8 THE COURT: WELL, I'LL TRY -- YOU KNOW, OF ALL OF THE
9 MOTIONS THAT ARE FILED FOR THE PRETRIAL CONFERENCE, WE'LL GIVE
10 THAT ONE PRIORITY SO THAT YOU HAVE AN ANSWER --

11 MR. VAN NEST: WE APPRECIATE IT.

12 MS. DERMODY: THANK YOU, YOUR HONOR.

13 THE COURT: -- SOONER. OF COURSE, IF YOU SETTLE,
14 THEN I DON'T NEED TO -- I DON'T NEED TO DO THAT.

15 OKAY. SO LET'S FIGURE OUT THEN THE PAGE LIMITS FOR -- I
16 MEAN, I'M JUST -- I THINK YOU KNOW WHAT'S GOING ON IN HERE FOR
17 THE NEXT MONTH. SO I'M JUST REALLY ASKING FOR YOUR HELP THAT I
18 CAN'T BE INUNDATED WITH -- I'M ASKING FOR MERCY HERE. I MEAN,
19 I REALLY NEED LEAN AND MEAN MOTIONS IN LIMINE, BECAUSE AS YOU
20 KNOW, MY CHAMBERS AND I ARE GOING TO BE VERY BUSY FOR THE NEXT
21 FIVE TO SIX WEEKS RIGHT UP UNTIL YOUR PRETRIAL CONFERENCE. SO
22 I'D LIKE MANAGEABLE NUMBERS.

23 CAN WE SAY -- -- I WOULD SAY FOR -- I WOULD THINK THAT THE
24 BURDEN ON THIS WOULD BE ON THE PLAINTIFF, ISN'T IT?

25 MR. VAN NEST: ON THE PER SE? YES.

1 THE COURT: ON THE PER SE? AND YOU FILE AN OPENING
2 BRIEF OF 15 PAGES, THE DEFENDANTS FILE A RESPONSIVE BRIEF OF 15
3 PAGES, AND THEN YOU GET TO FILE A REPLY OF 10 PAGES. 15/15/10.

4 MR. SAVERI: WE CAN DO THAT.

5 MS. DERMODY: YES.

6 THE COURT: OKAY.

7 MR. VAN NEST: THAT'S FINE, YOUR HONOR.

8 THE COURT: OKAY. ALL RIGHT.

9 NOW, AS FAR AS THE OTHER MOTIONS IN LIMINE --

10 MS. DERMODY: AND, YOUR HONOR, IS THAT TO BE FILED ON
11 APRIL 10, THE SAME SCHEDULE AS THE MOTIONS IN LIMINE SCHEDULE?

12 THE COURT: SO WHAT WOULD THAT BE? 10, 17, 24?

13 MS. DERMODY: THAT'S CORRECT, YOUR HONOR.

14 MR. SAVERI: RIGHT.

15 MS. DERMODY: THAT'S THE CURRENT SCHEDULE.

16 MR. VAN NEST: YOUR HONOR, WE COULD CERTAINLY USE
17 MORE THAN A WEEK ON THAT PARTICULAR ONE, NOT THE OTHER MOTIONS,
18 BUT IF WE COULD HAVE TWO WEEKS TO RESPOND, IT WOULD BE,
19 OBVIOUSLY GIVEN THE --

20 THE COURT: OKAY. WELL, CAN WE DO THIS: I WOULD
21 LIKE TWO WEEKS WITH THE REPLY. BEYOND THAT, YOU ALL CAN JUST
22 STIPULATE TO WHEN THE MOTION AND THE RESPONSIVE BRIEFS ARE
23 FILED.

24 MR. VAN NEST: SO YOU WANT THE REPLY TWO WEEKS BEFORE
25 THE PRETRIAL?

1 THIS MINUSCULE AMOUNT OF HIRING WAS AFFECTED BETWEEN GOOGLE AND
2 INTEL.

3 THOSE NUMBERS MAKE NO SENSE. THE RESULTS ARE ABSOLUTELY
4 NONSENSICAL.

5 AND IT'S THIS PRACTICE OF MULTIPLYING AND APPLYING THE
6 SAME VARIABLE AGAINST EVERY COMPANY, REGARDLESS OF WHO IT HAD
7 AGREEMENTS WITH, THAT GENERATES THESE HUGE DAMAGE NUMBERS.

8 THE COURT: DO YOU WANT TO RESPOND TO THAT,
9 MR. GLACKIN?

10 MR. GLACKIN: YEAH, I'M HAPPY TO. I MEAN, SO --

11 THE COURT: AND GIVE ME YOUR BEST REBUTTAL TO THE
12 DEFENDANTS' ARGUMENT ABOUT THE TOTAL HIRING BEING CONSISTENT
13 WITH YOUR THEORY OF THE CASE, THEORY OF HARM I SHOULD SAY.

14 MR. GLACKIN: SURE. I THINK IT'S IMPORTANT TO
15 REMEMBER THAT THIS IS NOT A CASE ABOUT SUPPRESSION OF HIRING.
16 THIS IS A CASE ABOUT SUPPRESSION OF INFORMATION FLOW.

17 AND IT'S A CASE ABOUT THE TOTAL SUPPRESSION OF INFORMATION
18 FLOW ACROSS ALL THESE WORK FORCES THAT RESULTED FROM THIS
19 CONSPIRACY AND THIS NETWORK OF AGREEMENTS.

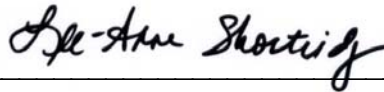
20 AND SO THE -- YOU KNOW, THE TOTAL NEW HIRES VARIABLE WAS
21 INCLUDED BY DR. LEAMER IN HIS JUDGMENT AS AN ECONOMIST BECAUSE
22 HE FELT LIKE IT WAS AN IMPORTANT VARIABLE TO UNDERSTAND
23 SOMETHING ABOUT THE DEMAND FOR LABOR WITHIN THE DEFENDANTS.

24 AND IT MIGHT BE -- YOU KNOW, IT MIGHT BE EXPLANATORY OF
25 COMPENSATION, OR IT MIGHT NOT BE. I MEAN, YOU DON'T -- WHEN

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: MARCH 28, 2014